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Washington, Saturday, April 30, 1938

PRESIDENT OF THE UNITED STATES.

RELATING TO SILVER

By the President of the United States of America

A PROCLAMATION

WHEREAS by Proclamation No. 2092 of August 9, 1934, the United States mints were directed to receive for coinage or for addition to the monetary stocks of the United States silver situated on August 9, 1934, in the continental United States, including the Territory of Alaska; and

WHEREAS such proclamation provides, in part:

"Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this Proclamation as the interest of the United States may seem to require."

AND WHEREAS I find that the interest of the United States requires the revocation, except as herein provided, of the said proclamation:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 43 (b) (2), Title III of the act of May 12, 1933, 48 Stat. 52, as amended, and the Silver Purchase Act of 1934 (48 Stat. 1178), and by virtue of all other authority in me vested, do hereby revoke the said Proclamation No. 2092 of August 9, 1934, except as to the provisions thereof relating to settlement for silver received by the United States coinage mints pursuant to Proclamation No. 2067 of December 21, 1933, which provisions shall not be affected by this proclamation.

Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this proclamation as the interest of the United States may seem to require.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28th day of April in the year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

Acting Secretary of State.

[No. 2282]

[F. R. Doc. 38-1233; Filed, April 29, 1938; 11:39 a. m.]

IMMIGRATION QUOTAS

By the President of the United States of America

A PROCLAMATION

WHEREAS the Acting Secretary of State, the Secretary of Commerce, and the Secretary of Labor have reported to

the President that pursuant to the duty imposed and the authority conferred upon them in and by sections 11 and 12 of the Immigration Act approved May 26, 1924 (43 Stat. 161), they jointly have made the revision provided for in section 12 of the said act and have fixed the quota of each respective nationality in accordance therewith to be as hereinafter set forth:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the power in me vested by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota of each nationality effective for the remainder of the fiscal year ending June 30, 1938, and for each fiscal year thereafter, has been determined in accordance with the law to be, and shall be, as follows:

National Origin Immigration Quotas

Country or area:	Quota
Afghanistan.....	100
Albania.....	100
Andorra.....	100
Arabian peninsula (except Muscat, Aden Settlement and Protectorate, and Saudi Arabia).....	100
Australia (including Tasmania, Papua, and all islands appertaining to Australia).....	100
Belgium.....	1,304
Bhutan.....	100
Bulgaria.....	100
Cameroons (British mandate).....	100
Cameroun (French mandate).....	100
China.....	100
Czechoslovakia.....	2,874
Danzig, Free City of.....	100
Denmark.....	1,181
Egypt.....	100
Estonia.....	116
Ethiopia (Abyssinia).....	100
Finland.....	569
France.....	3,086
Germany.....	27,370
Great Britain and Northern Ireland.....	65,721
Greece.....	307
Hungary.....	869
Iceland.....	100
India.....	100
Iran.....	100
Iraq.....	100
Ireland (Eire).....	17,853
Italy.....	5,803
Japan.....	100
Latvia.....	236
Liberia.....	100
Liechtenstein.....	100
Lithuania.....	386
Luxemburg.....	100
Monaco.....	100
Morocco (French and Spanish zones and Tangier).....	100
Muscat (Oman).....	100
Nauru (British mandate).....	100
Nepal.....	100
Netherlands.....	3,153
New Guinea, Territory of (including appertaining islands) (Australian mandate).....	100
New Zealand.....	100
Norway.....	2,377
Palestine (with Trans-Jordan) (British mandate).....	100



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National Origin Immigration Quotas—Continued

Country or area:	Quota
Poland.....	6,524
Portugal.....	440
Ruanda and Urundi (Belgian mandate).....	100
Rumania.....	377
Samoa, Western (mandate of New Zealand).....	100
San Marino.....	100
Saudi Arabia.....	100
Siam.....	100
South Africa, Union of.....	100
South-West Africa (mandate of the Union of South Africa).....	100
Spain.....	252
Sweden.....	3,314
Switzerland.....	1,707
Syria and the Lebanon (French mandate).....	123
Tanganyika Territory (British mandate).....	100
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Turkey.....	226
Union of Soviet Socialist Republics.....	2,712
Yap and other Pacific islands under Japanese mandate.....	100
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The immigration quotas assigned to the various countries and quota areas are designed solely for purposes of compliance with the pertinent provisions of the Immigration Act of 1924 and are not to be regarded as having any significance extraneous to this object.

This proclamation shall take effect immediately, and shall supersede Proclamation No. 2048 of June 16, 1933.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28th day of April, 1938, in the year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President,

SUMNER WELLES

Acting Secretary of State

[No. 2283]

[F. R. Doc. 38-1234; Filed, April 29, 1938; 11:40 a. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6814, DATED AUGUST 9, 1934, AND EXECUTIVE ORDER NO. 6895-A, DATED NOVEMBER 2, 1934

By virtue of the authority vested in me by the Silver Purchase Act of 1934 and of all other authority vested in me, Executive Order No. 6814, dated August 9, 1934, and Executive Order No. 6895-A, dated November 2, 1934, are hereby revoked. The revocation of said Executive orders shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal cause prior to this revocation, and all penalties, forfeitures and liabilities under said Executive orders shall continue and may be enforced as if said revocation had not been made.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 28, 1938.

[No. 7877]

[F. R. Doc. 38-1231; Filed, April 29, 1938; 11:39 a. m.]

TREASURY DEPARTMENT.

Accounts and Deposits.

[1938—Eighth Supplement, Department Circular No. 92 (Revised)]

SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

APRIL 27, 1938.

To Federal Reserve Banks and Other Banks and Trust Companies Incorporated Under the Laws of the United States or of any State:

Treasury Department Circular No. 92, dated February 23, 1932, as amended, is hereby further amended by the addition of the following paragraph under the caption "Collateral Security":

"1-A. *Obligations guaranteed by the United States.*—Obligations fully and unconditionally guaranteed both as to principal and interest by the United States; all at face value."

Paragraph 11 of the collateral security provisions of the circular is hereby amended to read as follows:

"11. *Federal land bank bonds and obligations of Federal home loan banks.*—Bonds of the Federal Land Banks and obligations of the Federal Home Loan Banks; all at face value."

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1238; Filed, April 29, 1938; 12:28 p. m.]

[1938—Ninth Supplement to Department Circular No. 176]

REGULATIONS GOVERNING DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS AND WARRANTS

APRIL 27, 1938.

To the Treasurer of the United States, Federal Reserve Banks and Branches, Member Bank Depositories, Special Depositories of Public Moneys, Collectors of Internal Revenue, Collectors of Customs, Receivers of Public Moneys, Marshals and Clerks of Court, All Other Officers or Agents of the United States Engaged in Collecting, Depositing, or Transmitting Public Moneys, and Others Concerned:

Treasury Department Circular No. 176, dated September 2, 1930, as amended, is hereby further amended by the addition of the following section to Paragraph 28:

"(a-1) *Obligations fully and unconditionally guaranteed both as to principal and interest by the United States; all at face value.*"

Section (b) of paragraph 28 of the circular is hereby amended to read as follows:

"(b) *Bonds of the Federal Land Banks, obligations of the Federal Home Loan Banks, bonds of Puerto Rico and bonds and certificates of indebtedness of the Philippine Islands; all at face value.*"

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1239; Filed, April 29, 1938; 12:28 p. m.]

Bureau of Customs.

IMPORT TAX ON CERTAIN COAL AND ALLIED FUELS

The Collector of Customs, New York, N. Y.

Sir: Under date of March 7, 1938, the Bureau received from the Philadelphia and Reading Coal and Iron Company, Philadelphia, Penna., The Pittston Company, Dunmore, Penna., Lehigh Navigation Coal Company, Philadelphia, Penna., Glen Alden Coal Company, Scranton, Penna., and Susquehanna Collieries Company, Philadelphia, Penna., domestic producers of anthracite coal of all sizes, grades, and

classifications, by their attorneys, McLanahan, Merritt & Ingraham, 40 Wall Street, New York, N. Y., a request for information as to the classification and rate of duty assessed on coal, including anthracite coal of all sizes, grades, and classifications, imported into the United States from the Union of Soviet Socialist Republics.

On March 8 the attorneys were advised that coal, including anthracite coal, of all sizes, grades, and classifications, produced in the Union of Soviet Socialist Republics and imported into the United States therefrom is admitted free of regular customs duties under paragraph 1650 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1201, par. 1650), and that the import tax provided for in section 601 (c) (5) of the Revenue Act of 1932, as amended (U. S. C., title 26, Foot-note at end of chap. 20), is not applied to such coal because (1) section 601 (a) of that act provides that the tax shall not be applied in contravention of treaties of the United States and (2) an executive agreement (treaty) between the United States and the Soviet Union effective August 6, 1937, obligates the United States for one year to give most-favored-nation customs treatment to coal produced in the Soviet Union unless existing law of the United States precludes such treatment, and (3) coal from certain other countries is being admitted free of the said import tax.

The producers herein named, through their attorneys, acting under the provisions of section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516), take exception to the present classification of Soviet Union coal on the ground that the balance of trade in coal and coal products between the United States and the Union of Soviet Socialist Republics for the calendar year 1937 was favorable to the Soviet Union and unfavorable to the United States; that the agreement with that Union is not a treaty within section 601 (a), supra; that assuming, for the sake of argument, that the agreement obligates the United States to admit Soviet Union coal free of duty despite the balance of trade adverse to the United States, the agreement is not self-executing; and that if said section 601 (a) is construed to provide for such a treaty that section is unconstitutional.

After careful consideration of the question in 1937 the Department held that in view of the provisions of the commercial agreement entered into between the United States and the Union of Soviet Socialist Republics, in which agreement the Government of the United States undertakes to accord to the commerce of the Soviet Union unconditional most-favored-nation treatment, with certain special provisions in respect to coal, coke manufactured therefrom, and coal or coke briquets, coal and allied fuels produced in the Soviet Union and imported into the United States directly or indirectly therefrom were entitled to entry for consumption or withdrawal from warehouse for consumption on or after August 6, 1937, and prior to January 1, 1938, without payment of the import tax imposed by section 601 (c) (5), supra. Note (1937) T. D. 49118. The Department has reaffirmed this classification and the period has been extended from January 1 to August 5, 1938. Note (1938) T. D. 49444.

Notice is hereby given, in compliance with the provisions of section 516 (b), supra, that the import tax on coal and allied fuels of the character described, if imported or withdrawn from warehouse after the expiration of 30 days after the date of the publication of this letter in the weekly Treasury Decisions, will be subject to the decision of the United States Customs Court, in the event that a protest is filed under the provisions of that section.

Very truly yours,

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.

Approved April 15, 1938:

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1224; Filed, April 28, 1938; 2:37 p. m.]

¹ 2 F. R. 1658 (DI).² 3 F. R. 655 (DI).

[T. D. 49535]

**CUSTOMS REGULATIONS AMENDED—INVOICES COVERING SILVER
REVOCATION OF TREASURY DECISION REQUIRING CONSULAR INVOICES
FOR IMPORTATIONS OF SILVER, WITH CERTAIN EXCEPTIONS, AS
AMENDED**

To Collectors of Customs and Others Concerned:

Treasury Decision 47214, approved by the Secretary of the Treasury on August 8, 1934, requiring consular invoices on all importations of silver exceeding \$100 in value, with certain exceptions, as amended by Treasury Decision 48574,¹ approved by the Secretary of the Treasury on October 8, 1936, is hereby revoked effective immediately.

Pursuant to the provisions of sections 484 (b) and 624, Tariff Act of 1930 (U. S. C., title 19, secs. 1484 (b) and 1624), article 299 (b) (14), Customs Regulations of 1937² is hereby amended by deleting the words "or silver."

[SEAL]

FRANK DOW,

Acting Commissioner of Customs.

Approved April 28, 1938.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[F. R. Doc. 38-1241; Filed, April 29, 1938; 12:55 p. m.]

Office of the Secretary.

**REVOCATION OF THE ORDERS OF THE SECRETARY OF THE TREASURY
OF JUNE 28, 1934 AND MAY 20, 1935, RELATING TO SILVER,
AND OF THE SILVER REGULATIONS OF AUGUST 17, 1934, AS
AMENDED**

The Order of the Secretary of the Treasury of June 28, 1934, relating to silver, the Order of the Secretary of the Treasury of May 20, 1935, amending the said Order of June 28, 1934, and the Silver Regulations of August 17, 1934, as amended, are hereby revoked. The revocation of such orders and regulations shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal cause prior to this revocation, and all penalties, forfeitures and liabilities under such orders and regulations shall continue and may be enforced as if said revocation had not been made.

H. MORGENTHAU,

Secretary of the Treasury.

Approved:

FRANKLIN D. ROOSEVELT

The White House, April 28, 1938.

[F. R. Doc. 38-1232; Filed, April 29, 1938; 11:39 a. m.]

WAR DEPARTMENT.

**AMENDMENT TO RULES AND REGULATIONS TO GOVERN THE
OPERATION OF THE DRAWBRIDGES CROSSING ALL NAVIGABLE
WATERWAYS OF THE UNITED STATES WITHIN THE STATE OF
CALIFORNIA**

Paragraph 8 of the Rules and Regulations to govern the operation of the drawbridges crossing all navigable waterways of the United States within the State of California approved March 4, 1936, is hereby amended by inserting the following subparagraph after the subtitle "Sacramento River Below Chico Landing" on page 4, of the Rules and Regulations, to govern the operation of the bridge of the Sacramento Northern Railway across the Sacramento River at Meridian:

SACRAMENTO NORTHERN BRIDGE AT MERIDIAN

Notice to bridge operators.—Owners desiring to pass their vessels by this bridge are requested to notify the Sacramento Northern Railway, or its representative in the vicinity, of intention to pass at least six hours in advance of the time

they desire to have the bridge opened. When such notice are given, prompt opening of the bridge upon proper signal will be insisted upon. Vessels making trips past Meridian without first giving notice to the bridge operator, as above stated, may expect delay at the bridge, but the bridge operator shall, under such circumstances, use every reasonable means to expedite the opening of the draw. A sign giving instructions as to where and how the bridge operator can be reached shall be posted in a conspicuous place on each side of the bridge.

During periods of flood stage, the owner of the bridge will keep an operator in constant attendance at the bridge who will open the bridge promptly upon signal from a vessel of its intention to pass through the draw.

Approved, April 15, 1938.

[SEAL]

HARRY H. WOODRING,

Secretary of War.

E. T. CONLEY,

Major General,

The Adjutant General.

[F. R. Doc. 38-1230; Filed, April 29, 1938; 10:06 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-71 O-71]

NOTICE OF PUBLIC HEARINGS ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

PREPARED AND PROPOSED BY METROPOLITAN COOPERATIVE MILK PRODUCERS' BARGAINING AGENCY AND UPON WHICH SAID AGENCY HAS REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD HEARINGS UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Whereas, the Metropolitan Cooperative Milk Producers' Bargaining Agency has requested the Secretary to hold public hearings on a marketing agreement and order, prepared and proposed by such agency and designed to regulate such handling of milk in the New York metropolitan milk marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the New York metropolitan milk marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended¹ of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice;

Now, therefore, pursuant to said act and said General Regulations, notice is hereby given of public hearings to be held as set forth below on the aforementioned marketing agreement and order, prepared and proposed by the aforementioned agency and designed to regulate such handling of milk in the New York metropolitan milk marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk.

These public hearings will be held on the dates and at the places and times following:

Chancellor's Hall, Albany, N. Y., at 9:30 a. m., on May 16, 1938;

¹ 1 F. R. 155.¹ 1 F. R. 1611.² 2 F. R. 1802 (DI).

State Armory, Malone, N. Y., at 9:30 a. m., e. s. t., May 17, 1938;
 Lincoln Auditorium, Syracuse, N. Y., at 9:30 a. m., e. s. t., May 18, 1938;
 State Armory, Elmira, N. Y., at 9:30 a. m., e. s. t., May 19, 1938;
 Room 352, State Office Building, 80 Centre Street, New York City, at 9:30 a. m., e. s. t., May 20, 1938.

At these public hearings, which will be held jointly with the Commissioner of Agriculture and Markets of the State of New York, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the New York metropolitan milk marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk are so disorderly as to necessitate regulation in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement or order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of a market-wide equalization pool, and (f) expenses of administration.

Copies of the proposed marketing agreement or order may be inspected in or procured from Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

H. A. WALLACE,
 Secretary of Agriculture.

Dated April 29, 1938.

[F. R. Doc. 38-1240; Filed, April 29, 1938; 12:39 p. m.]

Farm Security Administration.

[Administrative Order]

NORTHEAST WASHINGTON PROJECT

TRANSFER OF LANDS IN THE STATE OF WASHINGTON TO THE FOREST SERVICE FOR ADMINISTRATION, PROTECTION AND MANAGEMENT

APRIL 28, 1938.

By virtue of and pursuant to authority vested in me by Executive Order No. 7530 of December 31, 1936 Fed. Reg. January 5, 1937, page 9), as amended by Executive Order No. 7557 of February 19, 1937 (Fed. Reg. February 24, 1937, page 411), and by Executive Order No. 7693 of August 19, 1937 (Fed. Reg. August 24, 1937), the following described lands are hereby transferred from the Farm Security Administration to the Forest Service for administration, protection and management under the laws applicable to said lands, and such rules and regulations as have been or hereafter may be promulgated consistent with the powers and authority vested in the Secretary of Agriculture by the aforesaid Executive Orders, to wit:

All the public lands within the Northeast Washington Project LA-WA-2, situated within Stevens and Pend Oreille Counties, Washington, that were withdrawn under the above mentioned Executive Order No. 7693 of August 19, 1937, and all lands within these same counties that hitherto have been acquired, or which shall hereafter be acquired by the Department of Agriculture under the provisions of the Emergency Relief Appropriation Act approved April 8, 1935 (49 Stat. 115), the National Industrial Recovery Act approved June 16, 1933 (48 Stat. 195), and the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (50 Stat. 522).

[SEAL]

HARRY L. BROWN,
 Acting Secretary of Agriculture.

[F. R. Doc. 38-1225; Filed, April 28, 1938; 4:17 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3307]

IN THE MATTER OF E. J. BRACH & SONS, A CORPORATION, AND EMIL J. BRACH, EDWARD M. KERWIN, EDWIN O. BLOMQUIST, THEODORE STEMPFEL, AND EMIL J. GUTGSELL, INDIVIDUALLY, AND AS OFFICERS OF E. J. BRACH & SONS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 12, 1938, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1228; Filed, April 29, 1938; 9:28 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3315]

IN THE MATTER OF AMBROSIA CANDY COMPANY, A CORPORATION, AND SAMUEL R. BLOCK, INDIVIDUALLY, AND AS AN OFFICER OF AMBROSIA CANDY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 12, 1938, at ten-thirty o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1227; Filed, April 29, 1938; 9:28 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3321]

IN THE MATTER OF FASCINATION CANDY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A. Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 12, 1938, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1226; Filed, April 29, 1938; 9:28 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3238]

IN THE MATTER OF WILLIAM C. STEFFY, LORINA STEFFY, AND G. N. PARKINSON

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 16, 1938, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1229; Filed, April 29, 1938; 9:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULE GB4

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, and deeming the acts and practices hereinafter prohibited to be devices and contrivances which are manipulative and deceptive, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 10 (b) and 23 (a) thereof, hereby adopts the following Rule GB4:

RULE GB4. Prohibition of use of manipulative or deceptive devices or contrivances with respect to securities not registered on a national securities exchange.—(a) It shall be unlawful for any person, directly or indirectly, by the use of the mails or any means or instrumentality of interstate commerce or of any facility of any national securities exchange, to do any act or omit to do any act in connection with the purchase or sale of any security not registered on a national securities exchange, if such act or omission to act would be unlawful under Section 9 (a) or any rule or regulation heretofore or hereafter prescribed thereunder if done or omitted to be done in connection with the purchase or sale of a security registered on a national securities exchange.

(b) The provisions of this rule shall not apply to securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors; and securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof or any agency or instrumentality of a State or any political subdivision thereof or any municipal corporate instrumentality of one or more States.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1235; Filed, April 29, 1938; 12:13 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of April 1938.

[File No. 1-856]

IN THE MATTER OF CANAL CONSTRUCTION COMPANY CONVERTIBLE PREFERENCE STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike the No Par Value Convertible Preference Stock of the Canal Construction Company from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 o'clock, A. M., on Wednesday, May 25, 1938, in Room 630, Bankers' Building, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Pitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1236; Filed, April 29, 1938; 12:13 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of April 1938.

[File No. 47-21]

IN THE MATTER OF NEW ENGLAND POWER COMPANY

**ORDER PERMITTING AN APPLICATION REGARDING THE ACQUISITION
OF UTILITY ASSETS TO BECOME EFFECTIVE**

New England Power Company, a subsidiary of New England Power Association, a registered holding company, hav-

ing filed an application and amendments thereto with this Commission pursuant to Section 10 (a) (2) and Section 10 (a) (3) of the Public Utility Holding Company Act of 1935 regarding the acquisition of transmission lines including title and interest in right-of-way in Webster and Dudley, Massachusetts; substation equipment and land whereon the same is located in Webster, Massachusetts, and other miscellaneous equipment incidental to the operation of said property for a stated cash consideration of \$87,185.97 to the vendor, Worcester County Electric Company, also a subsidiary of New England Power Association;

Hearing on such application having been duly held after appropriate notice,¹ the record in this matter having been duly considered; and the Commission having made and filed its findings herein;

It is ordered, That such application be and become effective forthwith, on the condition however that the acquisition by the applicant be effected in substantial compliance in the manner and subject to the terms set forth in such application.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1237; Filed, April 29, 1938; 12:13 p. m.]

¹ 3 F. R. 652 (DI).

